

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA

CHARLESTON DIVISION

UNITED STATES OF AMERICA,

v.

CRIMINAL ACTION NO. 2:17-cr-00168

VINCENT BEATTY

MEMORANDUM OPINION AND ORDER

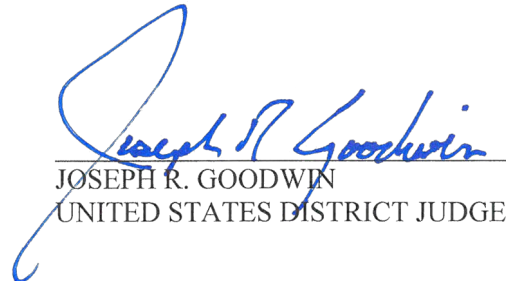
Pending before the court is a pro se letter-form motion for compassionate release, [ECF No. 73], filed by Defendant Vincent Beatty. For me to reduce or modify Mr. Beatty's sentence under compassionate release, I must find that he has exhausted his administrative remedies or waited 30 days from petitioning the Warden at the facility in which he is housed, has demonstrated "extraordinary and compelling reasons," and that his release is consistent with the 18 U.S.C. § 3553(a) factors. *See e.g., United States v. Howard*, No. 4:15-CR-00018-BR, 2020 WL 2200855, at \*2 (E.D.N.C. May 6, 2020); 18 U.S.C. § 3582(c)(1)(A).

In this case, Mr. Beatty writes that he has exhausted his administrative remedies. However, Mr. Beatty did not attach any documentation in support of that contention, nor did he indicate when he filed his request with the Warden. Without supporting information or documentation, I am unable to find that Mr. Beatty has exhausted his administrative remedies. Therefore, his Motion, [ECF No. 73], is **DENIED without prejudice**. This ruling means that Mr. Beatty may petition the court

again after making a request to the Warden *and* either exhausting his administrative remedies through the Bureau of Prison's appeal process or waiting 30 days from the Warden's receipt of his request, whichever is earlier. *See* 18 U.S.C. § 3582(c)(1)(A).

The court **DIRECTS** the Clerk to send a copy of this Order to the defendant and counsel, the United States Attorney, the United States Probation Office, and the United States Marshal.

ENTER: January 29, 2021



JOSEPH R. GOODWIN  
UNITED STATES DISTRICT JUDGE